IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5514 OF 2005
IN
CRIMINAL APPEAL NO.793 OF 2005

Bharat Vijay Shinde & Ors ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. V.V.Purwant, Advocate for Applicants

Mr. B.H. Mehta, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH SEPTEMBER, 2005

P. C.:-

1. Heard both sides.

2. The applicants are praying for bail. The learned advocate for the applicants has submitted that the applicants have been convicted under Section 307 r.w. 34 of I.P.C. and the sentence imposed on the applicants is only of three years.

3. It is stated by the learned advocate for the applicants that the applicants were on bail pending the trial and this liberty has not been misused by them. This statement has not been controverted by the prosecution. It is further submitted by the

learned advocate for the applicants that the maximum sentence imposed on the applicants is three years and this appeal is not likely to be heard within the said time.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. Each of the applicants i.e. (1) Bharat Vijay Shinde, (2) Dashrath Ramesh Gaikwad and (3) Sachin Aba Bodke to be released on bail in the sum of Rs.25,000/- with one or two sureties to make the said amount. The applicants shall report on second and fourth Saturday of every month to Dehu Road Police Station during the pendency of this appeal.

5. Application is disposed of.

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